

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERIC L. JEFFRIES,)	CASE NO. C-1-02-351
	:	
Plaintiff,)	JUDGE BECKWITH
	:	Magistrate Judge Hogan
v.)	
	:	
CENTRE LIFE INSURANCE CO., et. al.,)	
	:	
Defendants.)	

DECLARATION OF PLAINTIFF'S COUNSEL
MICHAEL A. ROBERTS

Upon oath, the Declarant states as follows pursuant to the provisions of 28 U.S.C. §746:

1. My name is Michael A. Roberts. I am an attorney at law licensed to practice in the State of Ohio and am presently in good standing. I am a partner in the law firm of Graydon Head & Ritchey LLP. I serve as the Trial Attorney for the plaintiff in the above matter, Eric L. Jeffries.

2. On August 29, 2003, I received a copy of the letter attached as Exhibit A-1 from defendant's counsel.

3. As of October 29, 2003, despite several demands, I have not received from the defendant the report of Dr. Kirk Frey, defendant's expert, which report was due on August 30, 2003, and which defendant represented at that time would be provided "shortly."

4. Defendant's counsel has scheduled the deposition of plaintiff's expert, Harold Pretorius, for October 31, 2003. Dr. Frey is the expert-counterpart to Dr. Pretorius.

5. On October 29, 2003, I requested that defendant postpone Dr. Pretorius' deposition until after defendant complies with its August 30, 2003, obligation and produces Dr. Frey's report. (*See, attached Exh. A-2*). Defendant refused to cooperate even though six weeks remain before the discovery cutoff and even though the deposition of Dr. Pretorius (a resident of the Cincinnati area) could easily be rescheduled for a time after Dr. Frey's report is finally produced, if ever, and prior to the discovery cutoff.

I declare the foregoing to be true and correct to the best of my knowledge and belief, upon penalty of perjury.

Dated: October 29, 2003

/s Michael A. Roberts _____
Michael A. Roberts

CERTIFICATE OF SERVICE

The foregoing was delivered, via fax and regular mail to William R. Ellis, Esq., Wood & Lamping LLP, 600 Vine Street, Suite 2500, Cincinnati, Ohio 45202, this 29th day of October, 2003.

/s Michael A. Roberts _____